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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Amendment of Parts 2, 25 and 97 of the )  
Commission's Rules with Regard to the ) ET Docket No. 98-142  
Mobile-Satellite Service Above 1 GHz )

**REPLY COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

**I. INTRODUCTION AND SUMMARY**

On August 4, 1998, the Commission released the text of its *Notice of Proposed Rule Making*<sup>1</sup> in the above-captioned proceeding. In this rule making the Commission proposes allocations and substantive rule amendments that would, among other things, provide new spectrum to allow for fixed satellite service (FSS) feeder link operations to support non-geostationary orbit (NGSO) mobile satellite service (MSS) systems.

Of specific interest to the National Association of Broadcasters ("NAB")<sup>2</sup> is the Commission's proposal to allocate the 6700-7075 MHz (7 GHz) band for space-to-earth

<sup>1</sup> *Notice of Proposed Rule Making* in ET Docket No. 98-142 "Notice", 63 Fed. Reg. 44597 (August 20, 1998).

<sup>2</sup> NAB is a nonprofit, incorporated association of television and radio stations and networks, which serves and represents the American broadcast industry.

(downlink) NGSO MSS feeder link operations on a co-primary basis with existing terrestrial fixed service (FS) microwave facilities operations.

The Commission's *Notice* states that the rule changes advanced in this proceeding are based on provisions adopted at the 1997 World Radiocommunication Conference.<sup>3</sup> The scope of the *Notice* includes many other proposals that are not of direct importance to the interests of NAB, broadcasters and other incumbent, terrestrial users of this spectrum.

In response to the *Notice*, several parties filed comments – comments taking varying positions on the Commission's proposals. Here NAB offers its reply to many of those filing initial comments. In this submission we urge the Commission to ensure that any rule changes adopted in this proceeding will not create a spectrum sharing scheme that would adversely affect the ability of incumbent terrestrial licensees to use – and from time-to-time to modify their use of – spectrum in the 7 GHz band. NAB believes, and the record in this proceeding indicates, that there is an insufficient technical basis for the Commission to establish effective coordination between FS terrestrial microwave systems and NGSO MSS facilities.

## **II. THE COMMISSION MUST CLARIFY ITS COORDINATION PROCEDURES.**

As both the Society of Broadcast Engineers ("SBE") and the Fixed Point-to-Point Communications Section of the Telecommunications Industry Association (the "TIA Fixed Section") point out in their comments, there is not enough technical data to

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<sup>3</sup> *Final Acts of the World Radiocommunication Conference ("WRC-97")*, Geneva, 1997.

accurately predict how space-to-earth feeder links would interfere with 7 GHz terrestrial microwave facilities.<sup>4</sup> SBE's comments show that the Commission's proposed PFD limits may be effective for protecting Broadcast Auxiliary Service ("BAS") analog FM transmissions.<sup>5</sup> However, it is not at all clear whether, in cases where there may be multiple satellites (each individually meeting the PFD limit), such limits are satisfactory to protect 7 GHz BAS facilities. Further, the Commission does not seem to have taken into account the fact that new digital microwave facilities are just now becoming available for BAS use. There are many such microwave products being developed for BAS use, each employing different modulation and coding. Moreover, there is little or no data on how these facilities would be affected by NGSO MSS feeder links.

NAB concurs with the TIA Fixed Section in its assessment that the Commission's coordination process is biased toward satellite licenses.<sup>6</sup> Moreover, we believe strongly that, unless the Commission adopts sensible sharing and coordination procedures, BAS and other FS terrestrial microwave users will be "run out" of the 7 GHz band just as we have been forced to abandon the 3-4 GHz band. To alleviate this problem, NAB supports the proposal by the TIA Fixed Section and urges the Commission to adopt rules that require NGSO feeder link applicants to provide detailed technical information about their proposed gateway. We also agree with TIA that each NGSO applicant should be granted only the bandwidth the applicant needs (with some modest accommodation for future growth) and not be allowed to acquire and "warehouse" spectrum in the 7 GHz band.<sup>7</sup>

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<sup>4</sup> See Comments of SBE at ¶ 6; Comments of TIA at 2.

<sup>5</sup> Comment of SBE at ¶ 8.

<sup>6</sup> Comments of TIA at 2-3.

<sup>7</sup> Id. at 6.

### **III. THE COMMISSION SHOULD EXEMPT TV PICKUP STATIONS FROM COORDINATION.**

In its comments, the SBE points out that there are two types of BAS stations operating in the 7 GHz band – fixed point-to-point stations and mobile stations (known as "TV pickup" facilities).<sup>8</sup> TV pickup stations can operate anywhere in the country. NAB supports SBE's proposal that TV pickup stations not be subject to coordination with NGSO MSS feeder links. Because there are large numbers of TV pickup stations that move within regions and across the country – sometimes at a moment's notice – it is impractical to require these stations to coordinate each time they are used. Therefore, NAB urges the Commission to exempt TV pickup stations from the coordination process. We are not suggesting that TV pickup stations be allowed to interfere with NGSO MSS feeder links. They simply should not be required to coordinate in advance.

### **IV. CONCLUSION**

The record in this proceeding provides yet additional evidence of a trend in which terrestrial licensees – regardless of the agency's stated intent to "grandfather" or otherwise "protect" incumbents' use of spectrum – are being forced either to relocate to new and increasingly unavailable spectrum or to cease operation altogether.

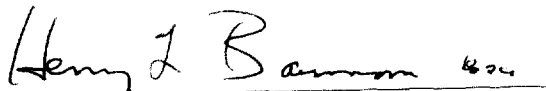
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<sup>8</sup> SBE at ¶ 3

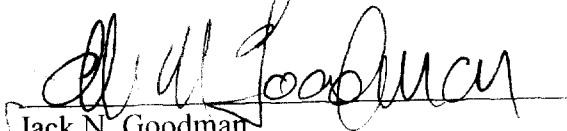
We urge the Commission not to do so in this proceeding. The recommendations we have set forth above are essential to ensure that the public does not lose the program service and other service benefits that now are being provided through the terrestrial use of this 7 GHz spectrum.

Respectfully submitted,

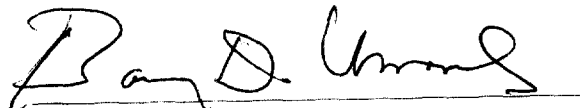
**NATIONAL ASSOCIATION OF BROADCASTERS**  
1771 N Street, NW  
Washington, DC 20036



Henry L. Baumann  
Executive Vice President and  
General Counsel



Jack N. Goodman  
Senior Vice President and General Counsel



Barry D. Umansky  
Deputy General Counsel

Kelly T. Williams  
Director of Engineering  
NAB Science & Technology

David E. Wilson  
Manager, Technical Regulatory Affairs.  
NAB Science and Technology

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